

REMARKS/ARGUMENTS

Claims 1, 3-27, and 29-77 are currently pending. Applicants gratefully acknowledge the allowance of claim 24. Claims 1, 17, 18, 25-27, 45, 46, 52, 54, 57, 71 and 72 have been amended. Applicants submits that no new matter has been added by the amendments. Claims 1, 3-25, and 29-77 remain pending in this application after entry of this amendment.

Allowable Subject Matter

Claim 24

Applicants gratefully acknowledge that claim 24 has been allowed.

Claim 26

Claim 26 is objected to as being dependent upon a rejected base claim, but is indicated as allowable if rewritten in independent form. Applicants have accordingly amended claim 25 to include the features recited in claim 26 that were identified as patentable. Therefore, Applicants submit that claims 25 and 26 are in condition for allowance.

Claim Rejections under 35 U.S.C. § 102

In the Office Action of October 5, 2006, claims 18 and 25 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,867,882 to Takahashi. Claims 17, 45, and 71 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US2002/0040375 to Simon et al. Claims 1, 3-5, 7-16, 19-22, 27, 29-31, 33-44, 46-50, 52, 54-60, 62-70 and 72-76 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,396,963 B2 to Shaffer et al. Applicants respectfully traverse the rejections.

Claims 1, 3-5, 7-16, 19-22, 27, 29-31, 33-44, 46-50, 52, 54-60, 62-70 and 72-76

Claims 1, 3-5, 7-16, 19-22, 27, 29-31, 33-44, 46-50, 52, 54-60, 62-70 and 72-76 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,396,963 B2 to Shaffer et al.

Applicants respectfully submit that Shaffer fails to teach or suggest all of the features recited in Applicants independent claim 1. For example, Applicants' claim 1 recites, in part:

For example, Applicants submit that claim 1 is not anticipated by Shaffer. Applicants' claim 1 recites a method of generating a customized digital image and recites:

receiving a first digital image from an image capture device, the first digital image designated as a template image using the image capture device
constructing one or more placement regions from the first digital image based upon features extracted from the first digital image by applying an image analysis technique to the first digital image, each placement region of the one or more placement regions identifying a location on the first digital image for placing a digital image from a first set of digital images captured using the image capture device;

identifying, for each placement region of the one or more placement regions, a digital image from the first set of digital images to be placed in the placement region; and

for each placement region of the one or more placement regions, placing a digital image from the first set of digital images identified for the placement region in the placement region on the first digital image to generate the customized digital image. (Applicants' claim 1.)

Applicants submit that Shaffer fails to teach at least "the first digital image designated as a template image using the image capture device," "constructing of one or more placement regions," and "placing a digital image from the first set of digital images in the placement region" as recited in claim 1.

Applicants submit that Shaffer discloses a method and system for employing image recognition techniques to produce a photocollage from a plurality of images. The system in Shaffer stores a copy of the plurality of digital images, assigns a unique identifier to each image, and generates a first draft photocollage from the stored copies of the digital images. Alterations may then be made to the layout of the photocollage by affixing stickers with a unique

identifier to a template layout page, and the altered page is then scanned. See Shaffer, Abstract; and Fig. 9

The Office Action asserts that the various elements recited in claim 1 are taught by Shaffer. However, Applicants submit that Shaffer fails to teach all of the features recited in independent claim 1. For example, Applicants submit that Shaffer fails to teach at least "constructing one or more placement regions from the first digital image based upon features extracted from the first digital image by applying an image analysis technique to the first digital image, each placement region of the one or more placement regions identifying a location on the first digital image for placing a digital image from a first set of digital images captured using the image capture device" as recited in claim 1. The Office Action states that this feature of claim 1 is taught by the photocollage layout sheet of Fig. 9, and the pattern recognition described in column 13 of line 13 of Shaffer. Applicants respectfully disagree.

As described in Shaffer, a user creates a photocollage by affixing stickers to a photocollage layout sheet comprising a set of predefined template layouts with predetermined image placement areas. See Shaffer, Fig. 9. Once the user has selected a layout for a photocollage page by affixing photo identification stickers to the layout sheet, the photocollage layout sheet is scanned. The scanner system reads a barcode (Shaffer, Fig. 9, reference no. 164) on the layout sheet to determine which of the predefined layout sheets the user has selected. The system then determines on which of the predefined image placement areas of which predefined template the user has affixed photo identification stickers. Applicants submit that this is substantially different from the "constructing" feature recited in Applicants' claim 1 as the placement regions of the templates in Shaffer are predetermined before the template image is scanned and the system is merely using the scanned image to determine which photos a user has elected to place in a particular predefined placement region.

Even if the layout sheets described in Shaffer are, for the sake of argument, considered like a template image recited in claim 1, Shaffer still does not disclose constructing the image placement regions based upon features extracted from the first digital image by applying an image analysis technique as recited in Applicants' claim 17. The template layouts in Shaffer are predefined and the image placement areas in the template layouts are also

predetermined. In Shaffer, the barcode scanned from a layout sheet is used to identify a particular layout sheet to be used from the set of predetermined layout sheets. The photo identification stickers placed by a user on the layout sheet are used to identify one or more predetermined positions for placing the photos on the selected layout sheet.

Shaffer thus relies on and requires predetermined layout sheets and predetermined positions within the layout sheets. The barcode and the stickers are used merely to identify which of the predefined template layouts are to be used and to identify which of the stored digital images are to be placed on the template. This is substantially different from the "constructing" feature recited in claim 1 where the image placement regions are actually constructed from features extracted from the image by an image analysis technique. For example, Applicants' Fig. 2A depicts a template image 200 that has three image placement regions marked by closed regions 208, 210, and 212. The invention as recited in claim 1 applies an image analysis technique to identify the boundaries of closed regions 208, 210, and 212 in order to construct placement regions in the template image. Since the invention as recited in claim 1 constructs the image placement regions by analyzing the template image 200, it does not use or require and is not restricted to any predetermined templates or image placement regions.

Accordingly, in Shaffer, the information obtained from the scanned layout sheet such as the barcode and placement of stickers is used merely to identify a layout and placement regions from predefined template layouts -- the image placement regions are not constructed as recited in claim 1. In Shaffer, the scanned image of the layout sheet merely is used to determine positional information of the photo identification stickers affixed to the layout sheet, which the system in turn matches with the predetermined placement regions on the predefined sheets. Therefore, Applicants submit that the "constructing" feature of claim 1 is not taught by Shaffer.

Applicants further submit that Shaffer fails to teach at least "for each placement region of the one or more placement regions, placing a digital image from the first set of digital images identified for the placement region in the placement region on the first digital image to generate the customized digital image" as recited in claim 1 (emphasis added). As recited in claim 1, the customized digital image is generated by placing the image from the set of digital images into the first digital image itself. Accordingly, the first digital image itself is transformed

into the customized digital image. Applicants submit that this is not taught by Shaffer. Instead, in Shaffer, the scanned image of the layout sheet to which photo identification stickers have been affixed is used merely to identify a particular predefined layout sheet and identify one or more predefined positions on the layout sheet for placing the photos. As described above, the photo identification stickers of Shaffer are merely positional placeholders affixed to the layout sheet that represent a digital image and are not the digital image itself. In Shaffer, the photos are not placed in the scanned image of the layout sheet. Accordingly, unlike claim 1, the photocollage page generated in Shaffer is not generated by placing photos in the scanned image itself, and thus, the scanned image is not transformed into the customized digital image, as recited in claim 1. Scanning the layout sheet therefore does not create a composite image as recited in Applicants' claim 1. Applicants thus submit that this feature of claim 1 is not taught or suggested by Shaffer.

Applicants submit that Shaffer also fails to teach at least "the first digital image designated as a template image using the image capture device" as recited in claim 1. According to claim 1, the image capture device can specify that an image is a template image. Applicants submit that this is not taught by Schaffer. In Schaffer, a predefined layout sheet is provided to which a user affixes stickers indicating which image should be placed on which location on the predefined template, and the layout sheet is scanned. Schaffer provides no teaching that an image captured by the scanner can be designated as a template image by the scanner. As described above, the scanned image of the layout sheet is used merely to determine which predefined layout sheet was selected. Thus, the scanner merely identifies which template a user has selected from the scanned image using the barcode included on the layout sheet. See Shaffer, Fig. 9, reference no. 164. The scanner does not "designate" an image as a template image as recited in claim 1. Accordingly, Applicants submit that this feature of claim 1 is not taught or suggested by Shaffer.

In light of the above, Applicants submit that claim 1 is not anticipated by Shaffer for at least the reasons discussed above.

Applicants submit that independent claims 27, 46, 54, 56, and 72 are also allowable over Shaffer for at least a similar rationale as discussed above for claim 1, and others.

Furthermore, dependent claims 29-31 and 33-44, 47-50, 55-56, 58-60 and 62-70, and 73-77 are also allowable at least due to their dependence from independent claims 27, 46, 54, 56, and 72, respectively.

Claims 18 and 25

Claims 18 and 25 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,867,882 to Takahashi.

As discussed above, Applicants have amended claim 25 to include the features of claim 26 that have been identified as patentable by the Office Action. Therefore, Applicants submit that amended claim 25 is in condition for allowance for at least this reason, and others.

Applicants submit that claim 18 is not anticipated by Takahashi. For example, claim 18 recites a method of generating a customized digital image, the method comprising:

- receiving a first digital image using an image capture device
- having a selectable mode for capturing a template image;
- constructing one or more placement regions from the first digital image based upon features extracted from the first digital image by applying an image analysis technique to the first digital image to determine a first placement region on the first digital image for placing a second digital image; and
- placing the second digital image in the first placement region on the first digital image to generate the customized digital image. (Applicants' claim 18.)

Applicants submit that Takahashi fails to teach at least "an image capture device having a selectable mode for capturing a template image", "constructing one or more placement regions from the first digital image " and "placing the second digital image in the first placement region on the first digital image" as recited in independent claim 1.

Applicants submit that Takahashi merely describes an image inputting apparatus that transmits

- "a print execution instruction and an image to be printed to an information processing apparatus upon inputting a print request of a sensed image or an image

stored in memory. Upon receiving the print execution instruction and the image to be printed, the information processing apparatus issues a print request of the received image to a connected printer apparatus, and transmits the received image." Takahashi, Abstract.

The Office Action asserts that Takashi teaches all the elements of independent claim 18. However, Applicants submit that Takashi fails to teach all the features recited in Applicants' claim 18. For example, Applicants submit that Takahashi fails to teach at least "constructing one or more placement regions from the first digital image based upon features extracted from the first digital image by applying an image analysis technique to the first digital image" as recited in Applicants' claim 18. As recited in claim 18, image placement regions are actually constructed from features extracted from the image by an image analysis technique. Applicants submit that such a concept is not taught by Takahashi.

The Office Action cites Figs. 15 and 16 of Takahashi to teach extracting features from the first digital image (a template image) by applying an image analysis technique. However, the cited figures of Takahashi merely disclose a user manually altering a print layout on the screen of a digital camera, where the entire area of the LCD represents a printable area on a recording sheet. The recording sheet is a representation stored in memory of a page to be printed. The user modifies the print layout on the recording sheet by selecting and dragging one or more images on the print layout to resize and/or reposition the images on the print layout. See Takahashi, col. 12, lines 16-36.

Applicants submit that the recording sheet disclosed in Takahashi is not a template image. Instead, the recording sheet comprises a set of coordinates that indicate the position of each image on the printed page. Takahashi, col. 12, lines 37-47; and Fig. 17. Therefore, the recording sheet described in Takahashi is not a template image comprising one or more "placement regions" as recited in claim 18. Furthermore, Applicants submit that Takahashi is silent about applying an image analysis technique to extract features from the first digital image as recited in claim 18. As described above, in Takahashi, image placement in the print layout is determined by a user by manually positioning the images on a screen, and the positions of the images on the screen define positional coordinates in the recording sheet. See Takahashi,

FIG. 17 (image position on the recording sheet is expressed in millimeters).. Accordingly, in Takahashi, there is no need to apply an image processing technique to extract features of the print layout in order to determine placement regions on the print layout, since the recording sheet already includes the positional coordinates of the images on the print layout. Placement regions for the images on a template are not determined by an image analysis technique in Takahashi.

Applicants further submit that Takahashi also fails to teach the feature of "placing the second digital image in the first placement region on the first digital image to generate the customized digital image" as recited in Applicants claim 18. As described above, the recording sheet in Takahashi is not a template image, but is instead a set of positional coordinates for placing an image on a printed page. As a result, the recording sheet is not transformed into a customized digital image by placing photos into the recording sheet. Thus, Takahashi fails to disclose creating a composite image by placing a digital image into a placement region of a first digital image as recited in claim 18.

Applicants further submit that Takahashi does not disclose "constructing one or more placement regions" on a template image by applying an image analysis technique to extract features of the template image as recited in claim 18. Applicants submit that Takahashi merely describes the use of predefined templates that are preloaded into camera memory. See Takahashi, col. 14, lines 35-40; and FIG. 22. This is substantially different than the "constructing" feature recited in claim 18 where the image placement regions are actually constructed from features extracted from the image by an image analysis technique. Since the invention recited in claim 19 constructs the image placement regions by analyzing the template image, it does not use or require and is not restricted to any predetermined templates or image placement regions, unlike the template images of Takashi which are preloaded into the camera and the placement regions are predetermined a some earlier time.

Applicants further submit that Takahashi also fails to teach "an image capture device having a selectable mode for capturing a template image" as recited in Applicants' claim 18. The Office Action relies upon Fig. 5, reference no. S11 of Takahashi to teach this limitation of claim 18. However, step S11 of Fig. 5 merely describes determining whether a "mode dial" of a digital camera is set to print mode when the user presses a release button on the camera. See

Takahashi, Fig. 5. If the dial is set to print mode when the release button of the camera is pressed, a print command is transmitted to a personal computer linked to the camera to initialize a printing process. See Takahashi, col. 8, lines 19-24. Thus, the cited portion of Takahashi fails to teach "an image capture device having a selectable mode for capturing a template image" as recited in claim 18. Furthermore, after a more extensive review of Takahashi as a whole, Applicants submit that Takahashi is silent as to the camera having a selectable mode for capturing a template image. At best, the Takahashi includes preloaded and predefined templates (as described above). The invention as recited in claim 18 does not use or require and is not restricted to any predetermined or predefined templates.

Accordingly, Applicants submit that Takahashi fails to anticipate claim 18 for at least the reasons discussed above.

Claim 25

Claim 25 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,867,882 to Takahashi.

As discussed above, Applicants have amended claim 25 to include the features of claim 26 that have been identified as patentable by the Office Action. Therefore, Applicants submit that amended claim 25 is in condition for allowance. Furthermore, Applicants submit that claim 25 should be allowable for at least a similar rationale as discussed for claim 18, and others.

Claims 17, 45, and 71

Claims 17, 45, and 71 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US2002/0040375 to Simon et al.

Applicants submit that Simon fails to teach all the elements of independent claims 17, 45, and 71. For example, claim 17 recites a method of generating a customized digital image, the method comprising:

constructing one or more placement regions from the template image based upon features extracted from the template image by applying an image analysis technique to the template image, each placement region of the one or more placement regions identifying a

location on the template image for receiving a digital image from the plurality of digital images captured by the image capture device;

for each placement region of the one or more placement regions, placing a copy of a digital image from the plurality of digital images identified for the placement region in the placement region on the template image to generate the customized digital image. (Applicant's claim 17.)

Applicants submit that Simon fails to disclose at least "constructing one or more placement regions from the template image" and "placing the second digital image in the first placement region on the template image" as recited in independent claim 17.

Applicants submit that Simon discloses a method for organizing digital images on a page, such as for creating a photo album. Simon provides a plurality of predetermined page layouts. Digital images to be placed on a page are analyzed in accordance with various predetermined criteria, and an appropriate page layout is selected from among the predetermined page layouts. See Simon, Abstract.

The Office Action states that Simon teaches all the elements recited in claim 17. Applicants respectfully disagree. For example, Applicants submit that Simon fails to teach at least the feature of "constructing one or more placement regions from the template image based upon features extracted from the template image by applying an image analysis technique to the template image, each placement region of the one or more placement regions identifying a location on the template image for receiving a digital image from the plurality of digital images captured by the image capture device" as recited in claim 17. The Office Action relies upon the "page layout subroutine" described in Simon to teach these features of claim 17.

However, Applicants submit that Simon is silent as to applying image analysis to a template image to determine placement regions within the template image. Instead, Applicants submit that image placement on a page layout in Simon is determined by a "page layout subroutine" that uses a set of predetermined criteria, such as image size and total available page area, to determine image placement on a page. See Simon, paragraphs 0052-0055. The page layout subroutine determines a "trial layout" comprising a non-overlapping placement of a set of images on a page. The trial page layout is then scored using a cost function. The cost function

may, for example, be used to minimize the amount of white space remaining on a page after the images are arranged by the page layout subroutine. The system then iteratively modifies the trial page layout to minimize the cost function in order to determine a final page layout for the page. Simon, paragraphs 0059-0060. Therefore, Simon determines placement locations of images on a page layout based upon characteristics of the photos to be placed on a page and characteristics of the page itself rather than by extracting features from a template image by applying an image analysis technique as recited in Applicants' claim 17.

Applicants further submit that Simon fails to teach at least "placing a copy of a digital image from the plurality of digital images identified for the placement region in the placement region on the template image to generate the customized digital image" as recited in Applicants' claim 17 (emphasis added). As recited in claim 17, the customized digital image is generated by placing a copy of a digital image into the template image itself. Accordingly, the template image itself is transformed into the customized digital image. Applicants submit that this is not taught by Simon. Instead, as described above, Applicants submit that Simon describes the use of a page layout routine for determining image position on a page layout. The page layout in Simon is not a template image as recited in claim 17. The page layout is merely a file that includes a number of page layout attributes, such as number of images, orientation, and physical location of the images on a page. Simon, paragraph 0051. Therefore, when the page layout subroutine of Simon determines a page layout for a set of images, it is not placing a copy of a digital image or images into a template image to create a composite image as recited in claim 17. Applicants thus submit that this feature of claim 17 is not taught or suggested by Simon.

Accordingly, Applicants submit that Simon fails to anticipate claim 17 for at least the reasons provided. Furthermore, Applicants respectfully submit that claims 45 and 71 should be allowable for at least a similar rationale as that discussed for allowing claim 17, and others.

Claim Rejections under 35 U.S.C. § 103

Claims 6, 23, 32, 51, 61, and 77 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shaffer et al. in view of U.S. Patent No. 6,690,396 to Anderson. Claims 18-23

are rejected under 35 U.S.C 103(a) as being unpatentable over Anderson in view of Takahashi.
Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. in view of Takahashi.

Claims 6, 23, 32, 51, 61, and 77

Claims 6, 23, 32, 51, 61, and 77 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shaffer et al. in view of U.S. Patent No. 6,690,396 to Anderson.

Applicants submit that claims 6, 23, 32, 51, 61, and 77, which depend from directly or indirectly from claims 1, 18, 27, 46, 57, and 72, respectively, recite features that are not made obvious by the combination of Shaffer and Anderson.

As discussed above, Shaffer fails to anticipate claims 1, 18, 27, 46, 57, and 72. Further, Applicants submit that the deficiencies of Shaffer are not cured by Anderson. Applicants submit that Anderson describes "a system and method for scannable executable design" that includes:

A "system and method for developing an executable includes scanning an image and identifying a representation of a user interface element included in the scanned image. An executable is then formatted to include a user interface element corresponding to the identified representation of the user interface element. ... [A] representation of a user interface element suitable for scanning includes an object capable of being positioned on a medium, the object representing the user interface element. The object is capable of being identified as corresponding to the user interface element so that when the object is scanned, a executable is formatted to include the user interface element corresponding to the identified representation of the user interface element." Anderson, Abstract.

In Anderson, a user affixes stickers or other representations of user interface components to a tangible medium, and the tangible medium with the representation of the user interface components affixed to it is then scanned. See Anderson, col. 3, line 61 - col.4, line3. The purpose of this is to enable a user to layout the user interface of an executable, such as a web page, without requiring that the user have technical knowledge of computer programming and

design. Anderson, col. 3, lines 16-24. The identity and placement of various user interface components on the tangible media are determined from the scanned image.

Applicants submit that Anderson does not teach the "constructing" feature recited in Applicants' claim 1. In Anderson, a user affixes a sticker or other pre-defined representation of a user interface component to a tangible medium, such as a sheet of paper, and the tangible medium is then scanned to generate the user interface of an executable such as a webpage. See Anderson, col. 3, line 61 - col.4, line3. Thus, placement of the user interface components is determined based upon the location on the tangible medium where the user affixed the user interface representations. Accordingly, the information obtained from the scanned tangible medium in Anderson is merely positional information of user interface components determined by the placement of stickers or other pre-defined representations of user interface components affixed to the tangible medium. Image placement regions are not constructed within the scanned image for placing images into the scanned image as recited in Applicants' claim 1. Therefore, Applicants submit that the "constructing" feature of claim 1 is not taught by Anderson.

Applicants further submit that Anderson fails to disclose or suggest at least "for each placement region of the one or more placement regions, placing a digital image from the first set of digital images identified for the placement region in the placement region on the first digital image to generate the customized digital image" as recited in claim 1. As described above, Anderson fails to disclose at least constructing one or more placement regions on a template image. Furthermore, Anderson is also silent as to placing a digital image into a template image. In Anderson, the tangible medium with one or more affixed representations of user interface components is scanned to determine positional information of representations of various user interface components, but the resulting scanned image is not a composite image generated by placing a digital image in a placement region on a first digital image as recited in claim 1.

Accordingly, even if Shaffer and Anderson were combined as suggested by the Office Action (even though there appears to be no motivation for the combination), the resultant combination would not teach or suggest the features of claim 1 discussed above.

Applicants submit that independent claims 18, 27, 46, 57, and 72 are also allowable over Shaffer for at least a similar rationale as discussed above for claim 1, and others. Furthermore, dependent claims 6, 23, 32, 51, 61, and 77 are also allowable at least due to their dependence from independent claims 1, 18, 27, 46, 57, and 72, respectively.

Claims 18-23

Claims 18-23 are rejected under 35 U.S.C 103(a) as being unpatentable over Anderson in view of Takahashi.

Applicants submit that claims 19-23, which depend from directly or indirectly from claim 18, respectively, recite features that are not made obvious by the combination of Shaffer and Anderson.

As discussed above with respect to claims 6, 23, 32, 51, 61, and 77, Anderson fails to disclose or suggest each all of the elements of claim 18. Further, Applicants submit that the deficiencies of Anderson are not cured by Takahashi.

Accordingly, even if Anderson and Takahashi were combined as suggested by the Office Action (even though there appears to be no motivation for the combination), the resultant combination would not teach or suggest all of the features recited in claim 18. Therefore, Applicants submit that claims 19-23, which depend from claim 18, should also be allowable for at least this reason, and others.

Claim 53

Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. in view of Takahashi.

Applicants submit that claim 53, which depends from directly from claim 52 recites features that are not made obvious by the combination of Shaffer and Takahashi. As discussed above, Shaffer fails to anticipate claim 52. Further, Applicants submit that the deficiencies of Shaffer are not cured by Takahashi.

Accordingly, even if Shaffer and Takahashi were combined as suggested by the Office Action (even though there appears to be no motivation for the combination), the resultant combination would not teach or suggest the features above recited in claim 52. Therefore,

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Applicants submit that claim 53, which depends from claim 52, should also be allowable for at least this reason, and others.

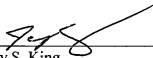
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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